

Part 3

Administrative Control Board

17D-1-301 Governance of a special service district -- Authority to create and delegate authority to an administrative control board -- Limitations on authority to delegate.

- (1) Each special service district shall be governed by the legislative body of the county or municipality that creates the special service district, subject to any delegation under this section of a right, power, or authority to an administrative control board.
- (2) At the time a special service district is created or at any time thereafter, the legislative body of a county or municipality that creates a special service district may, by resolution or ordinance:
 - (a) create an administrative control board for the special service district;
 - (b) subject to Subsection (3), delegate to the administrative control board the exercise of any right, power, or authority that the legislative body possesses with respect to the governance of the special service district; and
 - (c) specify the members of the initial administrative control board by name or other designation that clearly identifies each member of the initial administrative control board.
- (3) A county or municipal legislative body may not delegate to an administrative control board of a special service district the power to:
 - (a) annex an area to an existing special service district or add a service within the area of an existing special service district under Part 4, Annexing a New Area and Adding a New Service;
 - (b) designate, under Section 17D-1-107, the classes of special service district contracts that are subject to Title 11, Chapter 39, Building Improvements and Public Works Projects;
 - (c) levy a tax on the taxable property within the special service district;
 - (d) issue special service district bonds payable from taxes;
 - (e) call or hold an election for the authorization of a property tax or the issuance of bonds;
 - (f) levy an assessment;
 - (g) issue interim warrants or bonds payable from an assessment; or
 - (h) appoint a board of equalization under Section 11-42-403.
- (4)
 - (a) A county or municipal legislative body that has delegated a right, power, or authority under this section to an administrative control board may at any time modify, limit, or revoke any right, power, or authority delegated to the administrative control board.
 - (b) A modification, limitation, or revocation under Subsection (4)(a) does not affect the validity of an action taken by an administrative control board before the modification, limitation, or revocation.

Amended by Chapter 437, 2015 General Session

17D-1-302 Number of members of an administrative control board.

- (1) An administrative control board shall consist of at least three members in addition to a member appointed in accordance with Subsections 17D-1-303(3) and (4).
- (2) The number of administrative control board members for a special service district established by a county of the first class to provide jail service as provided in Subsection 17D-1-201(10) is nine.

Amended by Chapter 377, 2014 General Session

17D-1-303 Election or appointment of administrative control board members.

- (1) Except as provided in Subsection (5), a county or municipal legislative body that creates an administrative control board may provide for board members to be elected or appointed, or for some members to be elected and some appointed.
- (2) Except as provided in Subsection (3), each member of an administrative control board shall be elected or appointed as provided for the election or appointment, respectively, of a member of a board of trustees of a local district under Title 17B, Chapter 1, Part 3, Board of Trustees.
- (3) A municipality or improvement district under Title 17B, Chapter 2a, Part 4, Improvement District Act, may appoint one member to represent it on an administrative control board created for a special service district if:
 - (a) the special service district was created by a county;
 - (b) the municipality or improvement district:
 - (i) provides the same service as the special service district; or
 - (ii) provided the same service as the special service district:
 - (A) prior to the creation of the special service district, if all or part of the municipality or improvement district was then included in the special service district; or
 - (B) prior to all or part of the municipality or improvement district being annexed into the special service district; and
 - (c) the special service district includes some or all of the area included within the municipality or improvement district.
- (4) An institution of higher education for which a special service district provides commodities, services, or facilities may appoint the number of members of an administrative control board of that special service district that are equal in number to at least 1/3 of the total number of board members.
- (5) With respect to an administrative control board created for a special service district created by a county of the first class to provide jail service as provided in Subsection 17D-1-201(10), the county legislative body shall appoint:
 - (a) three members from a list of at least six recommendations from the county sheriff;
 - (b) three members from a list of at least six recommendations from municipalities within the county; and
 - (c) three members from a list of at least six recommendations from the county executive.

Amended by Chapter 377, 2014 General Session

17D-1-304 Qualifications of administrative control board members -- Term of office.

- (1)
 - (a) Except as provided in Subsection (1)(b), each member of an administrative control board shall be:
 - (i) a registered voter within the special service district;
 - (ii) an officer or employee of the county or municipality that created the special service district; or
 - (iii) if over 50% of the residences within a special service district are seasonally occupied homes, as defined in Section 17B-1-302, an owner of land, or an agent or officer of an owner of land, that receives services from the special service district and is located within the special service district, provided that the number of members appointed under this Subsection (1)(a)(iii) comprises less than a quorum of the board.
 - (b) Subsection (1)(a) does not apply if:

- (i) at least 90% of the owners of real property within the special service district are not registered voters within the special service district; or
 - (ii) the member is appointed under Subsection 17D-1-303(3) or (4).
- (2)
- (a) Except as provided in Subsection (2)(b), the term of each member of an administrative control board is four years.
 - (b) The term of as close as possible to half of the initial members of an administrative control board, chosen by lot, is two years.

Amended by Chapter 377, 2014 General Session

17D-1-305 Compensation for administrative control board members.

An administrative control board member may receive compensation and reimbursement of expenses as provided in Section 17B-1-307 to the same extent as if the member were a member of a board of trustees of a local district.

Enacted by Chapter 360, 2008 General Session

17D-1-306 Administrative control board review of certain charges in special service districts providing jail service.

If the legislative body of a county of the first class creates an administrative control board under this part for a special service district that provides jail service as provided in Subsection 17D-1-201(10), the administrative control board may review and approve any amount charged to the special service district as reimbursement to the county for services provided under Subsection 17D-1-103(2)(i) before the amount is included in the special service district budget.

Enacted by Chapter 360, 2008 General Session